IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 8785 of 2006(U)

PETITIONER:

THE PERUMBAVOOR MUNICIPAL COUNCIL,
PERUMBAVOOR,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:

1.GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
LOCAL SELF-GOVERNMENT (B) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2.THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT (B) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. SMT.AYSHA TEACHER,
MUNICIPAL COUNCILLOR,
PERUMBAVOOR MUNICIPALITY,
PERUMBAVOOR.

R1-R2 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 8785/06)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE ORDER DATED 28.10.1993 PASSED BY THE GOVERNMENT.

EXT.P2: TRUE COPY OF THE COUNTER AFFIDAVITS FILED BY THE MUNICIPALITY IN THE WRIT APPEAL.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 13.12.2005 IN W.A.NO.1222/99.

EXT.P4: TRUE COPY OF RESOLUTION NO.38 DATED 5.1.2006 PASSED BY THE MUNICIPAL COUNCIL, PERUMBAVOOR.

EXT.P5: TRUE COPY OF RESOLUTION NO.16 DATED 2.2.2006 PASSED BY THE MUNICIPAL COUNCIL, PERUMBAVOOR.

EXT.P6: TRUE COPY OF THE ORDER DATED 13.2.2006 PASSED BY THE 2ND RESPONDENT.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.8785 of 2006

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Dated: 6th November, 2007

JUDGMENT

Under challenge in this Writ Petition is Ext.P6 order of the Government by which the Government has stayed (temporarily) the decision of the Municipality to prefer an appeal against the Division Bench judgment of this court in W.A.No.1222 of 1999. While admitting the Writ Petition this court stayed the operation of Ext.P6 and on the strength of that stay order, the petitioner-Municipality was able to prefer Civil Appeal to the Supreme Court. The stay order granted by this court virtually grants to the petitioner the reliefs which he could have aspired for in the Writ Petition. Confirming that interim order, the Writ Petition will stand disposed of.

srd **PIUS C.KURIAKOSE, JUDGE**